



06-30-03

Gp2632

EV329224626US) #9

W.H. Evans
7-17-03

Certificate Of Mailing By "Express Mail"

I hereby certify that this correspondence and its attachments are being deposited with the U.S. Postal Service "EXPRESS MAIL Post Office To Addressee" service under 37 C.F.R. §1.10, Mailing Label Certificate No. EV329224626US, on June 27, 2003, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

By: Thomas L. Evans
Thomas L. Evans, PTO Reg. No. 35,805
BANNER AND WITCOFF, LTD.

Atty. Docket No.
005348.00001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Scott KAUFFMAN

Examiner: D. Previl

U.S. Pat. App. No.: 09/904,419

Group Art Unit: 2632

Filing Date: July 12, 2001

For: APPARATUS AND METHOD FOR ACTIVATING AN INDUCTANCE LOOP
VEHICLE DETECTION SYSTEM

RECEIVED

JUL 03 2003

Technology Center 2600

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully asks for reconsideration of this application and the Office Action dated February 27, 2003.

A response to this Office Action was due by May 27, 2003. Accordingly, Applicants are concurrently submitted a Petition for a one month extension of time. Also, the Commissioner is authorized to charge the associated small entity Petition fee of \$55 to the deposit account of the

undersigned, Deposit Account No. 19-0733. Please consider this Request as timely filed.

In the Office Action, claims 1-3 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,659,290 to Haeri. Similarly, claims 4-17 were rejected under 35 U.S.C. §103 over the Haeri patent. Applicant respectfully traverses these rejections, and courteously asks for their reconsideration.

Claims 1-17 recited an apparatus for activating an inductance loop vehicle detector. This apparatus is neither taught nor suggested by the Haeri patent. Instead, the Haeri patent is directed toward a device for detecting a vehicle's speed and alerting the vehicle's driver when the vehicle's speed exceeds a predetermined value. To detect the vehicle's speed, the Haeri device employs magnets positioned on the vehicle's driveshaft. The movements of the magnets are registered by a detection circuit.

Nothing in the Haeri patent teaches or suggests a structure for activating an inductance loop vehicle detector. Accordingly, the Haeri patent does not anticipate the invention as recited in claims 1-3.

Claims 4-17 recite various characteristics of a magnetic or a magnet fastening device that may be employed by various embodiments of the invention to activate an inductance loop vehicle detector. While the Examiner has asserted that those of ordinary skill in the art would have been led to modify the device of the Haeri patent to include the features recited in claims 4-17, Applicants respectfully ask that the Examiner reconsider this position.

For example, various embodiments of the invention employ different types of magnetic characteristics in order to provide a sufficiently strong magnetic field to trigger an inductance

loop vehicle detector. There is nothing in the Haeri patent, however, to suggest that the device of the Haeri patent would benefit from these recited magnetic characteristics. For example, claim 8 recites the use of an electromagnet. There is no reason, however, why one of ordinary skill in the art would modify the device in the Haeri patent to include a more complex electromagnet circuit simply to register with the magnetic detector. Accordingly, Applicants respectfully ask that the rejections of claims 1-17 be withdrawn.

Next, claims 18-67 were rejected under 35 U.S.C. 103 over a combination of the Haeri patent in view of U.S. Patent No. 4,568,937 to Clark. Applicant courteously asks for reconsideration of this rejection, along with its withdrawal. In particular, Applicant respectfully submits that one of ordinary skill in the art would not have been led to combine the teachings of the Haeri patent with the teachings of the Clark patent in the manner suggested by the Examiner.

Applicant respectfully points out that the Haeri patent is directed toward a device that is completely unrelated to the induction loop vehicle detecting device taught in the Clark patent. In fact, while the speed detection device taught in the Haeri patent is employed on a vehicle, the vehicle detection device taught in the Clark patent would be used at a stationary location to detect vehicles. There is simply no teaching or suggestion in either patent that would lead one of ordinary skill in the art to look to the disclosure of one of the patents to modify the subject matter disclosed in the other patent. Applicant therefore urges that the combination of the Haeri patent with the Clark patent is improper, and asks that the rejection of claims 18-67 over the combination of these patents be withdrawn.

In view of the above remarks, Applicant respectfully submits that all of the claims are

U.S. Pat. App. No.: 09/904,419
Atty. Docket No.: 005348.00001

allowable, and that this application is therefore in condition for allowance. Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: Thomas L. Evans
Thomas L. Evans, Reg. No. 35,805
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001-4597
Telephone: (202) 824-3000
Facsimile: (202) 824-3001

June 27, 2003